REMARKS

Response to Arguments

The Examiner gave a Response to Applicant's Arguments in Items 1 to 5 on Pages 2-6 of the Final Office Action mailed August 24, 2007.

In Items 1 and 2, the Examiner stated –

"1. Applicant argues that the last office action failed to establish a prima facie case that Danknick (U.S. Patent No. 6,021,429) teaches 'an imaging device with a management facility incorporated or expressed through an embedded webserver' [see, e.g., Remarks at page 5].

Danknick was not relied on to teach an embedded webserver. Rather, Danknick was relied upon to teach an embedded server (CPSOCKET module embedded within NEB 2) [see Danknick at fig. 2, col. 8, ll. 29-64]."

"2. In the last response the examiner noted that applicant stated that a "webserver" is "a hardware of software component that communicates over the network via hypertext transfer protocol" [see page 8 filed 16 January 2007].

In response, applicant states that applicant "could not find the Office's cited passage of Page 8." [see, e.g., Remarks at page 5]. Applicant alleges that on "Page 10 of the Response of January 12, 2007" Applicant contended that "one of ordinary skill in the art would . . . interpret an 'embedded webserver' as . . . a specific implementation of a hardware of software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol" [see, e.g., Remarks at page 5].

The examiner has reviewed Page 10 of the Response of January 12, 2007 and cannot find applicant's alleged statement there. Page 8 of the Response of January 12, 2007 contains the closest subject matter to applicant's alleged statement, where Page 8 states "one skilled in the art would . . . interpret 'an embedded webserver' as . . . a specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol" [see page 8 filed 16

January 2007]. Applicant has misquoted applicant's own statements filed on 16 January 2007. A "specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol" [see page 8 filed 16 January 20073 is not the same as "a specific implementation of a hardware of software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol" [see Remarks at page 5 (emphasis added)]. That is, applicant's own interpretation stated on 16 January 2007 does not require communication of "webpages and data." Applicant now argues that "a specific implementation of a hardware or software component of a networked device that communicates webpages and data over the network via hypertext transfer protocol (HTTP) standard" is not simply "a hardware or software component that communicates over the network via hypertext transfer protocol" [see, e.g., Remarks at page 5 (emphasis added)]. That is, applicant argues that the "webpages and data" that did not exist in applicant's previous interpretation of a "webserver" distinguish over the prior art. The examiner disagrees.

The examiner finds both of applicant's interpretations of the term "webserver" to be reasonable. However, the first interpretation stated on 16 January 2007 is broader and is therefore the broadest reasonable interpretation. Thus, a "webserver" is interpreted herein to require a "specific implementation of a hardware or software component of a networked device that communicates over a network via HTTP." Danknick and the HTTP 1.0 Specification teach a webserver within the broadest reasonable interpretation of the term. Danknick teaches an embedded sewer (CPSOCKET module embedded within NEB 2) [see Danknick at fig. 2, col. 8, ll. 29-64]. Danknick does not teach a webserver because Danknick does not disclose the protocol that the embedded sever uses to communicate. But, all that is required for Danknick's embedded server (CPSOCKET module embedded with NEB 2) to be considered a webserver is the mere use of HTTP.

HTTP was well known in the art and provided known advantages, as evidenced by the HTTP 1.0 Specification. The HTTP 1.0 Specification recites known advantages to using HTTP on page 1 as follows:

"The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred."

It would have been obvious to one of ordinary skill in the art to use HTTP to communicate here for at least the reasons set forth in the HTTP specification as quoted above.

In regards to Items 1 and 2 – The Examiner is correct on the Applicant's mis-citation of the statements from Applicant's Response of January 16, 2007. Applicant's files and electronic documents on the Present Application were not up to date and inaccurate in this respect. Applicant thus made the inadvertent mis-citation. Applicant apologizes for the confusion and acknowledges that Applicant is bound by the statement of Page 8 of the Response of January 16, 2007 that "one skilled in the art would . . . interpret 'an embedded webserver' as . . . a specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol."

However, Applicant notes that the full citation of the Applicant's statement on Page 8 of the Response of January 16, 2007 is as follows:

"Applicant respectfully contends that one skilled in the art would not interpret 'an embedded webserver' as simply being 'any component that (1) is embedded within any other component and (2) serves information over a network,' but a specific implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol. Applicant also respectfully maintains that the claims, as currently amended, specifically covers the embodiment of an imaging device having an embedded webserver and network interface, wherein the imaging device internally stores a list of network addresses of other imaging devices."

Applicant thus contends that Applicant's statement on Page 8 of the Response of January 16, 2007 that "a *specific* implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol" {Emphasis Added} is not simply that one skilled in the art would interpret a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol as a webserver, but that one skilled in the art would recognize a webserver as a specific implementation of hardware or software that communicated via hypertext transfer protocol (HTTP) over a network.

Applicant therefore maintains that one skilled in the art would therefore recognize that a webserver is "a *specific* implementation of a hardware or software component of a networked device that communicates over the network via hypertext transfer protocol," where that specific implementation communicated webpages and data over the network via hypertext transfer protocol. Applicant notes that one skilled in the art would also recognize that HTTP is simply a communication protocol and that webpages can be defined by multiple standards, such as hypertext markup language (HTML, which is defined in a separate specification from the HTTP specification) and image data that are served by the webserver for transfer across the network by HTTP. One of skill in the art would also know that that webpages can be defined by other languages and representations (such as XML and Flash) that can also be transferred under control of the HTTP protocol. *See*, HTTP 1.0 Specification, Sections 3.6 (Media Types) and 10.5 (Content Type); and HTML 4.01 Specification, W3C.

As such, Applicant respectfully contends that for the CPSOCKET module of Danknick to be considered an embedded webserver would require more than "the mere use of HTTP".

The Examiner also stated in Item 1 that Danknick was not relied upon for teaching an embedded webserver, but for teaching a printer with an embedded server (CPSOCKET module embedded within NEB 2) storing a list of other printers and that, later, the HTTP 1.0 specification is relied upon to show that webservers are well-known.

Applicant notes that in this the Examiner is only stating that it would be obvious for one skilled in the art to implement the printer of Danknick with an embedded webserver. Applicant respectfully maintains that even if this was the case, which the Applicant disputes, for this to

anticipate or make obvious the Applicant's claimed invention, the Examiner would also need to assert that this webserver would also inherently implemented an embedded management facility for the printer, in addition to storing and utilizing the claimed list of other printers and other printer supplemental information.

Applicant finds no such embedded management facility disclosed or suggested in either Danknick or the HTTP 1.0 Specification, either explicitly or inherently. Alternatively, if the Examiner is maintaining that this is an inherent feature or is taking Official Notice thereof, Applicant herein traverses this assertion and requests a reasoned argument or secondary reference to support any such position by the Examiner. Applicant notes that if the Examiner maintains that such a feature is well known and notorious enough to justify a taking of Official Notice of the fact, or that the element is an inherent feature, the Examiner has the burden of providing secondary references to support this position or prove that the inherent element must of necessity only work in the manner of the Applicant's claimed invention. If any other interpretation is possible for the inherent element relied upon for the rejection, the rejection cannot be maintained. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted); (*See,* MPEP §2112 and §2163.07(a)). Applicant requests that the Examiner state the rational or evidence supporting this assertion as the Examiner is required to do in MPEP §2112. "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). *See,* MPEP §2163.07(a) and §2112.

Applicant notes that, as stated below, Danknick teaches away from this assertion in only disclosing an external management facility executing on a system administrator's computer.

In Item 3 the Examiner stated –

> "3. Applicant argues that Danknick does not teach storing "'supplemental information' as defined in the specification, wherein the supplemental information is about the operating state of the device itself and is selected from the group of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate" [see, e.g., Remarks at pages 5-6] The examiner disagrees.
>
> The specification does not even define "supplemental information." The claims recite that the supplemental information "is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate" [see, e.g., claim 1].
>
> In figure 8, Danknick clearly shows that the list of device addresses includes device type and manufacturer. A type or manufacturer of an imaging device can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims.
>
> Danknick also discloses that the list can include address expiration time or an indication that an address may not be current [see Danknick at col. 7, ll. 57 - col. 8, ll. 12; col. 10, ll. 25-45]. Such an expiration time or indication can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims."

In regards to Item 3 – Applicant disagrees with the Examiner. Applicant notes that supplemental information is defined in the Specification of the Present Application, at least, in Paragraphs [0020], [0022], [0027]-[0030], [0032]-[0033] and [0035]. As such, Applicant respectfully maintains that supplemental information has been defined in the Specification, contrary to the Examiner's assertion.

The Examiner also maintains in Item 3 that Danknick's disclosure of a list of networked printers listing a manufacturer or type and an address expiration time or indication can be

reasonably construed as "supplemental information" as claimed in the Present Application, stating "[a] type or manufacturer of an imaging device can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims" and "an expiration time or indication can reasonably be construed as an imaging device feature, configuration, usage information, or status as set forth in the claims."

Applicant respectfully disagrees. Applicant understands that the Examiner is entitled to read the claims as broadly as possible. However, as stated by MPEP §2111, this reading must be done to give the pending claims their "broadest reasonable interpretation consistent with the specification," and that "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." In addition, as stated in MPEP §2111.01, "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification," and that "[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)."

Applicant respectfully contends that one skilled in the art would understand the plain meaning of "type or manufacturer of an imaging device" or "an expiration time or indication" as not being the same as "an imaging device feature, configuration, usage information, or status." *See*, Specification of the Present Application, Paragraphs [0020] and [0027].

Applicant also continues to respectfully contend that the list of device addresses and corresponding device identification information for each device address of Danknick, discloses storing only information with the list of addresses that can be utilized to identify the device and its manufacturer at the corresponding address or the expiration time of that identifying address. Applicant maintains that this information by Danknick's disclosure only identifies the device and the timestamp or reliability of the device address. As such, Applicant contends that Danknick does not disclose or suggest storing "supplemental information" as defined in the Specification, wherein the supplemental information is about the operating state of the device itself and is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status,

and imaging device imaging rate. *See*, Danknick, Figures 1-2, 5A-5B, and 8; Abstract; Column 7, line 25 to Column 8, line 65.

Applicant thus contends that the relevant features and terms of the claims are therefore described in the specification and definite and, as such, do not support the overly broad interpretation of these terms and the claims as maintained by the Examiner.

In Items 4 and 5, the Examiner stated –

"4. Applicant argues that there is no motivation to enable Danknick's embedded server to use HTTP [see, e.g., Remarks at page 7]. The examiner disagrees.

Enabling Danknick's embedded server (CPSOCKET) to communicate via HTTP is merely a combination of familiar elements (Danknick's CPSOCKET and HTTP) that does no more than yield predictable results (communicating via HTTP). The HTTP 1.0 Specification recites apparent reasons that one of ordinary skill in the art would utilize HTTP on page 1 as follows:

> 'The Hypertext Transfer Protocol (HTTP) is an application-level protocol with the lightness and speed necessary for distributed, collaborative, hypermedia information systems. It is a generic, stateless, object-oriented protocol which can be used for many tasks, such as name servers and distributed object management systems, through extension of its request methods (commands). A feature of HTTP is the typing of data representation, allowing systems to be built independently of the data being transferred.'

As applicant is no doubt aware '[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.' Leapfrog Entertainment, Inc. v. Fisher-Price, Inc., 485 F.3d 11 57, 1161, 82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting KSR Int'l v. Teleflex. Inc., 127 S. Ct. 1727, 1739-40, 82 USPQ2d 1385, 1395 (2007)). And, a holding of obviousness can be based on a showing that there was 'an apparent reason to combine the known elements in the fashion claimed.' KSR, 127 S. Ct. at 1740-41, 82 USPQ2d at 1396.

5. Applicant argues that Danknick teaches away from using HTTP because Danknick discloses a "standalone program (CPUTIL) and related specialized communication socket (CPSOCKET)" [see, e.g., Remarks at page 7]. The examiner disagrees.

Applicant has failed to provide any reason that Danknick criticizes, discredits, or otherwise discourages embedded server (CPSOCKET) from communicating via HTTP. A proper teaching away argument needs to establish that the prior art criticizes, discredits, or otherwise discourages the solution claimed. See In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004)."

In regards to Items 4 and 5 – Applicant notes, as stated above, that Applicant specifically cited to and asserted that Danknick does not disclose or suggest and, in fact, teaches away from the utilization of an internal management facility in the printer by only disclosing an external management facility, the standalone program (CPUTIL) that runs on a separate computer and does not disclose or suggest use of management program internal to the printer that would manage the printer and dynamically generate webpages to be served out across the network by an embedded webserver. Applicant specifically stated on Page 7 of Applicant's Response of August 16, 2007 that "[a]s stated above, Applicant traverses the Examiners taking of Official Notice and contends that it would not be obvious to one skilled in the art to incorporate an embedded webserver *with a management facility* in to the printer of Danknick, even if HTTP is considered notoriously well known. Applicant respectfully contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner and, further, that by disclosing a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator, Danknick teaches away from utilizing an embedded webserver and industry standard HTTP. *See*, Danknick Column 8, lines 29-65." {Emphasis Added}.

Applicant respectfully maintains that all elements of a claim must first be taught by the cited references, either explicitly or inherently, in order to allow those elements to then be combined in a finding of obviousness. Applicant respectfully maintains, as stated above, that neither Danknick or the HTTP 1.0 Specification, either expressly or inherently, discloses the

missing element of an internal management facility program that is accessed through an embedded webserver which would manage the printer and dynamically generate webpages to be served out across the network by the embedded webserver.

Applicant also notes MPEP §2145(X)(D)(2), that states "It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983) (The claimed catalyst which contained both iron and an alkali metal was not suggested by the combination of a reference which taught the interchangeability of antimony and alkali metal with the same beneficial result, combined with a reference expressly excluding antimony from, and adding iron to, a catalyst.). "

Applicant therefore maintains, as stated above, that combining the familiar elements and known methods of HTTP protocol with the printer and external management facility of Danknick, or even an embedded webserver (which Applicant disputes is disclosed by the cited references) with the printer and external management facility of Danknick only results in a printer with a stored list of other printers, their manufacturer type, and network expiration that is managed by an *external* management facility through HTTP protocol. Further, Applicant continues to maintain that Danknick does teach away from an internal management facility by only disclosing an external management facility and a proprietary software and communication protocol for managing the printer across the network.

As such, Applicant therefore respectfully maintains that Danknick and the HTTP 1.0 Specification fail to teach or disclose, either explicitly or inherently, an imaging device with an embedded webserver and an internal management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. As such, the Danknick fails to teach or suggest all elements of claims 1, 13 and 15.

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Claim Rejections Under 35 U.S.C. § 103

Claims 1-11 and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Danknick (U.S. Patent No. 6,021,429) in view of the HTTP 1.0 Specification (Request for Comments: 1945, Berners-Lee et al., May 1996). Applicant respectfully traverses this rejection and submits that claims 1-11 and 13-20 are allowable for the following reasons.

Applicant respectfully continues to maintain that Danknick discloses a network device that discovers and stores a list of networked devices that respond to the same specialized discovery protocol on a network and does not teach or suggest an imaging device with an embedded webserver with a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. *See*, Danknick, Figures 1-2, and 5A-5B; Abstract; Column 7, line 25 to Column 8, line 65.

Applicant respectfully continues to maintain, as noted by the Examiner, that Danknick does not explicitly disclose HTTP and therefore does not explicitly disclose an embedded webserver. In addition, Applicant respectfully continues to maintain that Danknick also does not disclose an internal management facility program that is accessed through an embedded webserver which would manage the printer and dynamically generate webpages to be served out across the network by the embedded webserver, but explicitly teaches away from an internal management facility by disclosing an external management facility and proprietary protocol.

Applicant also contends that HTTP is communication protocol only, and that this communication protocol happens to be utilized by devices and software to communicate with, where only one such type of these devices and software are webservers. However, other devices can also utilize this communication protocol and not be webservers (such as browsers and dedicated device to device communications). Applicant thus respectfully maintains that, while

Danknick discloses a network interface, it does not disclose or suggest an embedded webserver or an embedded management facility expressed through that webserver, either explicitly or inherently, even given the fact that HTTP protocol was known in the art. As such, one of ordinary skill in the art would also not view Danknick and the fact that HTTP protocol was known in the art as disclosing or suggesting a printer with an embedded webserver and/or embedded management facility. *See*, Specification of the Present Application, Figure 2B; Paragraphs [0021] and Paragraph [0025]; and HTTP 1.0 Specification, section 1.1 - purpose.

Applicant also respectfully maintains, that Danknick does not disclose or suggest an embedded webserver, but a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator. As stated above, Applicant traverses the Examiners taking of Official Notice and contends that it would not be obvious to one skilled in the art to incorporate an embedded webserver with a management facility in to the printer of Danknick, even if HTTP is considered notoriously well known. Applicant respectfully contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner and, further, that by disclosing a standalone program (CPUTIL) and related specialized communication socket (CPSOCKET) used by the network administrator, Danknick teaches away from utilizing an embedded webserver and industry standard HTTP. *See*, Danknick Column 8, lines 29-65.

Applicant further maintains that the HTTP 1.0 Specification does not disclose, either explicitly or inherently, the missing elements of an embedded webserver or an internal management facility program that is accessed through an embedded webserver which would manage the device operation and dynamically generate webpages to be served out across the network by the embedded webserver.

Applicant respectfully maintains, as stated above, that the Examiner has not provided references to support his assertion of Official Notice of an embedded webserver with a management facility in to the printer of Danknick and continues to respectfully maintain that a seasonable challenge of the Examiner's taking of official notice has been undertaken and adequate information and argument given to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice.

Applicant therefore respectfully maintains that the cited elements of Danknick and the HTTP 1.0 Specification do not teach or suggest an imaging device with an embedded webserver with a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device, and as such do not teach all elements of the Applicant's claimed invention, either alone or in combination.

Applicant also contends that there is no motivation or suggestion to modify the reference in the manner suggested by the Examiner. Specifically, Applicant contends that to modify the networked printer of Danknick with HTTP protocol from the HTTP 1.0 Specification to provide the missing elements would require a modification of Danknick include an internal management facility that is expressed via HTTP protocol through an embedded webserver. As detailed above, Applicant finds no motivation or suggestion to modify the operation of Danknick expressly or impliedly contained in the HTTP 1.0 Specification reference, and the Office Action does not provide a convincing line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Applicant thus submits that the Office has also failed to meet its burden of establishing a *prima facie* case of obviousness. *See* MPEP § 706.02(j) ("The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. 'To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.'"). Applicant therefore respectfully contends that the Examiner has not met the burden of establishing a *prima facie* case of obviousness in regards to independent claims 1, 13 and 15.

Applicant therefore respectfully maintains that Danknick fails to teach or disclose an imaging device with an embedded webserver and an internal management facility that stores a

list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device. As such, the Danknick fails to teach or suggest all elements of claims 1, 13 and 15.

As detailed above, Applicant also maintains that HTTP 1.0 Specification discloses HTTP communication protocol only and does not disclose or suggest an embedded webserver and/or embedded management facilities, or imaging device having such. Therefore, as stated above, Applicant respectfully maintains that combining the elements of Danknick with HTTP protocol of the HTTP 1.0 Specification does not teach or suggest an imaging device with an embedded webserver with a management facility that stores a list of other imaging device network addresses and supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate or that communicates the list of other imaging device network addresses and additional information through a network interface to an imaging device management facility or another imaging device and therefore does not teach or suggest all elements of claims 1, 13 and 15. The Applicant thus maintains that independent claims 1, 13 and 15 are therefore allowable over Danknick, the HTTP 1.0 Specification and the Office's taking of Official Notice, either alone or in combination.

Applicant's claim 1 recites "[a] n imaging device comprising: an image generator, wherein the image generator is a print engine internal to a first imaging device; a network interface, wherein the network interface is adapted to couple the first imaging device to a network; an embedded webserver with a management facility; and a controller coupled to the network interface and the image generator, wherein the controller is internal to the first imaging device and is adapted to store a list of other imaging device network addresses; wherein the controller is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request; and wherein the

list of other imaging device network addresses contains supplemental information on each of the other imaging devices, where the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such an imaging device having an embedded webserver with a management facility that is adapted to store a list of other imaging device network addresses that is adapted to communicate the list of other imaging device network addresses through the network interface to an imaging device management facility upon request, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 1.

Applicant's claim 13 recites "[a] computer-usable medium having computer readable instructions stored thereon for execution by a processor of an imaging device to perform a method comprising: determining a list of network addresses for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device; and communicating with the other similar imaging devices utilizing a management facility on an embedded webserver of the imaging device by referring to the list of network addresses for the other imaging devices; wherein determining a list of network addresses for other imaging devices similar to a first imaging device further comprises determining supplemental information on the other imaging devices, where the supplemental information is one of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such a computer-usable medium and method for execution by a

processor of an imaging device to store a list of other similar imaging device network addresses and communicate with the other similar imaging devices utilizing a management facility on an embedded webserver utilizing the list of other imaging device network addresses through a network interface, wherein the list of other imaging device network addresses further comprises supplemental information on the other imaging devices selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 13.

Applicant's claim 15 recites "[a] method of operating an imaging device, the method comprising: determining a list of network addresses and supplemental information for other imaging devices similar to a first imaging device, wherein the first imaging device contains a print engine; storing the list of network addresses on the first imaging device, wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate; referring to the list of network addresses of other imaging devices for communication between imaging devices; and directing the communication between the first imaging device and the other similar imaging devices through a network interface with a webserver and management facility embedded in the first imaging device." As detailed above, Applicant submits that Danknick and the HTTP 1.0 Specification fail or Danknick and the taking of Official Notice both fail to disclose or suggest such a method of operating an imaging device that determines and stores a list of other similar imaging device network addresses and supplemental information on each imaging device associated with the list of network addresses of other similar imaging devices wherein the supplemental information is selected from the group consisting of media types, marking material types, imaging device features, imaging device configuration, imaging device usage information, imaging device status, and imaging device imaging rate, and communicates the list of other imaging device network addresses through a network with a webserver and management facility embedded in the first imaging device , either alone or in combination. As such, Danknick, HTTP 1.0 Specification, and the Office's taking of Official Notice fail to teach or suggest all elements of claim 15.

Applicant respectfully contends that claims 1, 13 and 15, as pending, has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 2-11, 14 and 16-20 depend from and further define claims 1, 13 and 15, respectively, they are also considered to be in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1-11 and 13-20.

CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2204.

Respectfully submitted,

Date: 10/24/07

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